

**PRE-APPEAL BRIEF REQUEST FOR
REVIEW**

Docket Number 050704/344077

(filed with the Notice of Appeal)

Application Number 10/798,999

Filed March 12, 2004

First Named Inventor Lyakovetsky

Art Unit 3626

Examiner Kristine K. Rapillo

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Respectfully submitted,



Cory C. Davis
Registration No. 59,932

Date December 17, 2009

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza

101 South Tryon Street,

Suite 4000

Charlotte, NC 28280-4000

Tel Atlanta Office (404) 881-7000

Fax Atlanta Office (404) 881-7777

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Attachment

Reasons for Requesting Pre-Appeal Brief Request for Review

I. Claims 1, 2, 5, 10-12 & 14-17 are not obvious over McCallum in view of Wiggins

Claims 1, 2, 5, 10-12 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCallum (U.S. Patent No. 5,784,635; hereinafter “McCallum”) in view of Wiggins (U.S. Patent Appln. Publn. No. 2002/0120473; hereinafter “Wiggins”).

In contrast to independent claim 1, McCallum and Wiggins, taken individually or in combination, are altogether silent and do not teach or suggest at least an apparatus comprising a processor configured to: (A) create at *least one summary* associated with the one or more expired data points in which *each of the expired data points* are associated with *a time period* and; (B) reduce the information in at least one of *the insurance claims of the summary in response to a respective time period elapsing*, as recited by claim 1.

A. The Combination Fails to Teach Expired Data Points Representing Insurance Claims Associated With A Time Period

In rejecting claim 1, the Examiner correctly concedes that McCallum does not teach or suggest the above features of claim 1. (See pg. 3 of the Office Action) However, the Examiner continues to rely on paragraphs [0034], [0050], [0055] and [0081] of Wiggins to make up for the deficiencies of McCallum. (See *id.*) Applicant respectfully disagrees and submits that the Examiner is giving the references credit for more than what they actually disclose.

In contrast to claim 1, Wiggins alone or in combination with McCallum, at most discloses a system that allows a service provider to file insurance claims directly with a payer via the Internet. (paragraph [0013] & Abstract of Wiggins) The cited portions and indeed all of Wiggins, alone or in combination with McCallum, at most disclose that a payer’s web site may consist of pages where claims may be filed online. (paragraph [0034] of Wiggins)

Paragraphs [0050] and [0055] of Wiggins, alone or in combination with McCallum, at most disclose that direct claims may be posted to the payer’s web site and responses to the direct claims from a payer may be gathered. In this regard, Wiggins, alone or in combination, explains that the payer’s responses are accumulated in response files and the response files may be compressed and pushed to a web portal. Claim 1 recites that each of the *expired data points* that

represents data from an *insurance claim* are associated with *a time period* and that the information in an insurance claim is *reduced* in response to a *respective time period elapsing*.

Nowhere, in Wiggins, alone or in combination with McCallum, is there any mention, teaching or suggestion relating to the response files representing data from insurance claims **and** that the response files are associated with any time period, as would be required by the recitations of claim 1. Rather, Wiggins, alone or in combination with McCallum, at most discloses that the response files contain a payer's responses to direct claims that were submitted on "a page of [a] payer's web site." (paragraphs [0055] and [0050] of Wiggins) However, Wiggins, alone or in combination, does not disclose that the payer's responses represent an insurance claim, as would be required by the recitations of claim 1.

Additionally, Wiggins, alone or in combination with McCallum, is altogether silent and does not contemplate that the response files are associated with any time period. As such, Wiggins, alone or in combination with McCallum, does not teach or suggest that the response files represent data from an insurance claim and that each of the response files are associated with *a time period* and that the information in an insurance claim is *reduced* in response to a *respective time period elapsing*, as would be required by the recitations of claim 1.

Even if Wiggins, alone or in combination with McCallum, discloses compression of response files, Wiggins, alone or in combination, still fails to teach or suggest the features of claim 1, since Wiggins fails to teach or suggest that the response files represent an insurance claim and that an insurance claim of a response file is reduced in response to a respective time period elapsing. Wiggins, alone or in combination, is altogether silent and does not contemplate that the response files are compressed in response to a respective time period elapsing and at any rate Wiggins does not disclose that the response file represents data of an insurance claim. The combination of Wiggins and McCallum is deficient for at least the foregoing reasons.

B. Combination Fails to Teach A Summary Associated With Expired Data Points & Reducing Information of the Summary Upon a Time Period Elapsing

There is no mention, teaching or suggestion in Wiggins, alone or in combination with McCallum, relating to reducing any information in at least one of the insurance claims *of a summary* associated with expired data points in response to a respective time period elapsing, as recited by claim 1.

In the *Response to Arguments* section, the Examiner continues to rely on paragraph [0081] of Wiggins, alone or in combination with McCallum, as allegedly disclosing the above feature of claim 1. (See pg. 8 of the Office Action) In particular, the Examiner asserts that paragraph [0081] of Wiggins discloses the above features of claim 1 because paragraph [0081] “discloses a transaction activity summary describing claims processed, including statistics, the number of claims submitted per payer, and the date and time the claim was processed.” (See *id.*) Applicant respectfully disagrees and submits that the Examiner is giving Wiggins, alone or in combination, credit for more than it actually discloses.

In contrast to claim 1, the cited portion of Wiggins, alone or in combination with McCallum, at most discloses that a transaction summary relating to claims processed may be generated on behalf of a user and posted on a web portal. (paragraph [0081] of Wiggins) However, Wiggins, alone or in combination with McCallum, is altogether silent and does not contemplate reducing any information of the transaction summary *in response to a respective time period associated with an expired data point elapsing* in which the expired data point represents an insurance claim, as would be required by the recitations of claim 1.

Paragraph [0081] and indeed all of Wiggins, alone or in combination with McCallum, is altogether silent and does not contemplate reducing any information of the transaction summary disclosed therein and certainly does not teach or suggest that any information of an insurance claim of the transaction summary is reduced in response to any time period elapsing, as would be required by claim 1.

Rather, paragraph [0081] of Wiggins, alone or in combination, at most discloses that the transaction summary therein describes claims processed, statistics, the number of claims submitted per payer and the “data [sic] and time [the] claim was processed” and describes that the transaction summary is posted to the portal for display to the user. Such disclosure does not teach or suggest reducing information in an insurance claim of the summary in response to a respective time period elapsing, as claimed.

For at least the foregoing reasons, the combination of McCallum and Wiggins is deficient and does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests reversal of the § 103(a) rejection of claim 1 and its dependent claims 2, 5 and 17.

Since independent claims 10, 12, 14, 15 and 16 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant submits that

independent claims 10 and 12 and their respective dependent claims 11 and 13 as well as independent claims 14, 15 and 16 are patentable at least for reasons analogous to those submitted for claim 1.

II. Claims 3, 4, 6 & 13 are not Obvious in view of McCallum, Wiggins & Pish

Claims 3, 4, 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCallum, Wiggins and further in view of Pish (U.S. Patent Appln. Publn. No. 2002/0120473 hereinafter; “Pish”). Applicant traverses this rejection for at least the following reasons.

As discussed above, the combination of McCallum and Wiggins is deficient vis-à-vis independent claims 1 and 12, and Pish does not make up for the deficiencies of the combination of McCallum and Wiggins and is not cited for such. As such, claims 3, 4, 6 and 13 are patentable at least by virtue of their respective dependencies from claims 1 and 12. Applicant therefore respectfully requests reversal of the § 103(a) rejection of dependent claims 3, 4, 6 and 13.

Accordingly, for all the reasons discussed above, Applicant respectfully requests that the rejections of claims 1-6 and 9-17 be reversed.